IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 1770 of 2005

Between:

1.M. Srinivasa Rao, S/o. Surya Rao,
R/o. Ramaraopet, Kakinada, East Godavari District.
2.Y. Ravi, S/o. Venkata Rao,
R/o. Ramaraopet, Kakinada, East Godavari District.
3.G. Rama Rao, S/o. Seshagiri Rao,
R/o. Ramaraopet, Kakinada, East Godavari District.
4.K. Uammaheswara Rao, S/o. Sreeramulu,
R/o. Sambamurthi Nagar, Kakinada, East Godavari District.
5.K. Murali, S/o. Sreenivasa Rao,
R/o. Indrapalem, Kakinada, East Godavari District.
6.G. Madhusudhana Rao, S/o. Seshagiri Rao,
R/o. Gandhinagar, Kakinada, East Godavari District.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, Rep. by its Secretary, Health, Medical and

Family Welfare (M-I) Department, Secretariat, Hyderabad.
2 District Collector, East Godavari District, Kakinada.
3 Superintendent, Government General Hospital, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction declaring the orders of the 3rd Respondent in Rc.No. 520/H2/05, dated 1-2-2005 terminating the lease in their favour to run the cycle stand in the premises of the Government

General Hospital, Kakinada, East Godavari District valid upto 30-09-2005 without any notice as illegal, arbitrary etc., and grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.V.V.L.N.SARMA

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court made the following:

ORDER:

This writ petition is filed aggrieved by the proceedings of the third respondent dated 01.02.2005 whereunder the lease granted in favour of the petitioners for running the cycle stand in the premises belonging to the third respondent-Hospital was terminated with immediate effect on the ground that the petitioners have failed to pay the rent due amounting to Rs.2,23,600/-.

The only contention of the petitioners is that the said order is in violation of the terms and conditions of the lease dated 13.10.2003 particularly it is not in conformity with condition No.9 which states that in case of violation of conditions of lease, misconduct by the contractors, the Head of the Institution will have the right to close the cycle stand, however, the contractors shall be given one month notice to vacate the premises and the Earnest Money Deposit will be forfeited and fresh auction will be conducted.

Having heard the learned counsel for the petitioners and the learned Government Pleader for Medical, Health and Family Welfare appearing for the respondents, I am of the view that the issue raised in this writ petition is essentially founded on a dispute between the parties pursuant to a contract entered into between the parties. The law is well settled that such a dispute, which involves enforcement of contractual obligation, is not amenable to the writ jurisdiction under Article 226 of the Constitution of India. Hence, the relief as prayed for cannot be granted. However, it is made clear that if the petitioners make a request for grant of time for vacating the premises in question, it is open to the respondents to consider the same and to

pass appropriate orders in terms of the condition No.9 of the agreement dated 13.10.2003.

The writ petition is accordingly disposed of. No costs.

07.02.2005

VGB

To

1 The Secretary, Government of Andhra Pradesh, Health, Medical and

Family Welfare (M-I) Department, Secretariat, Hyderabad.
2 District Collector, East Godavari District, Kakinada.
3 Superintendent, Government General Hospital, Kakinada.

4 2CCs to the G.P. for Family, Medical, Health and Family Welfare, High

Court Buildings, Hyderabad (OUT)

5 2CD copies